

Court of Appeals, State of Michigan

ORDER

People of MI v McDaniel Hopson

Docket No. 276344

LC No. 05-005826-01

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Brian K. Zahra
Judges

The Court orders that the delayed application for leave to appeal is DENIED. Defendant has not shown that he is an “aggrieved party,” a requirement for appellate relief. See *Federated Ins Co v Oakland Co Rd Comm’n*, 475 Mich 286, 291; 715 NW2d 846 (2006). To be an aggrieved party for purposes of appeal, “a litigant must have suffered a concrete and particularized injury” and the injury in the appellate arena must arise “from either the actions of the trial court or [an] appellate court judgment . . .” *Id.* at 291-292. Where defendant has not yet been tried and where the chief judge has not yet issued an order regarding defendant’s challenge to the jury, defendant has not shown that he has suffered a concrete and particularized injury, but has only alleged that his legal rights may be affected by future events. Our Supreme Court has rejected a future eventuality as the basis for standing, ruling that an aggrieved party must have an interest in the outcome of the case, “not a mere possibility arising from some unknown and future contingency.” *In re Estate of Trankla*, 321 Mich 478, 482; 32 NW2d 715 (1948) (citation omitted). Analogizing that principle to the instant context, before defendant here may be an aggrieved party, the chief judge must issue a ruling; defendant may not appeal the possibility of a future ruling.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 05 2007

Date

Sandra Schultz Mengel
Chief Clerk